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5 Attorneys for Defendant
6 GAIN Capital Group, LLC

7 TIBCO SOFTWARE INC.

8 Plaintiff,

9 vs.

10 GAIN CAPITAL GROUP, LLC; and Does 1
11 to 10 inclusive,

12 Defendants.

13 CASE NO. 5:17-CV-03313-EJD

14 **STIPULATION AND [PROPOSED]**
15 **ORDER FOR DISMISSAL WITH**
16 **PREJUDICE**

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1 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES, THROUGH
2 THEIR ATTORNEYS OF RECORD:

3 Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiff TIBCO
4 Software Inc. (“TIBCO”) and Defendant GAIN Capital, LLC (“GAIN”) hereby stipulate that this
5 action, all claims that TIBCO asserted against GAIN in this action, and all counterclaims that
6 GAIN asserted against TIBCO in this action shall be dismissed with prejudice. Each party shall
7 bear its own costs and fees.

8 IT IS SO STIPULATED, through Counsel of Record.

9
10 DATED: December 4, 2018

MCGUIREWOODS LLP

11
12 By: /s/Jamie D. Wells

13 Jamie D. Wells
14 Attorneys for Plaintiff
15 TIBCO Software Inc.

16 DATED: December 4, 2018

17 WILMER CUTLER PICKERING HALE AND DORR
18 LLP

19 By: /s/ Christopher T. Casamassima

20 Christopher T. Casamassima
21 Attorneys for Defendant
22 GAIN Capital Group, LLC

23 I attest that all signatories listed above, and on whose behalf this Stipulation is submitted,
24 have concurred in and authorized the filing of the Stipulation.

25 _____
26 _____
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28 _____

/s/ Jamie D. Wells

Jamie D. Wells

[PROPOSED] ORDER

2 After reviewing the parties' Stipulation for Dismissal pursuant to 41(a)(1)(A)(ii) of the
3 Federal Rules of Civil Procedure, and finding good cause presented, the Court hereby GRANTS
4 the parties' stipulation and DISMISSES the entire action, including all claims and counterclaims
5 asserted, WITH PREJUDICE. Each party shall bear its own costs and fees.

IT IS SO ORDERED.

8 Dated: _____
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Edward J. Davila
United States District Judge

CERTIFICATE OF SERVICE

2 I hereby certify that on December 4, 2018, I electronically transmitted the foregoing
3 document to the Clerk's Office using the CM/ECF System for filing and service via transmittal of a
4 Notice of Electronic Filing.

5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.

Executed on December 4, 2018, at San Francisco, California.

/s/ Jamie D. Wells

Jamie D. Wells